

AN ACT
D.C. ACT 22-170

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2017

To amend the Animal Control Act of 1979 to clarify what constitutes the proper treatment of animals, update prohibited behaviors toward animals, update penalties for violating provisions of the act, and redesignate existing sections for organizational purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Standard of Care for Animals Amendment Act of 2017”.

Sec. 2. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-1801) is amended to read as follows:

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Abandon” means to desert, forsake, or give up an animal without having secured another owner or custodian for the animal or having transferred the animal to the Animal Care and Control Agency.

“(2) “Adequate care” means the responsible practice of animal husbandry, handling, confinement, protection, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal, and the provision of veterinary care when needed to prevent suffering, impairment of health, or the treatment of illness or injury.

“(3) “Adequate feed” means the provision of and access to food that is sufficient in quantity, prepared and provided in a manner so that the animal can consume it, and provided in a manner sanitary for the animal.

“(4)(A) “Adequate shelter” means the provision of and access to shelter that is safe and protects each animal from injury, rain, sleet, snow, hail, the adverse effects of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around.

“(B) For a dog confined outside, the term “adequate shelter” shall additionally mean that:

“(i) When the temperature is at or below 40 degrees Fahrenheit, the dog has access to a shelter that has an entrance covered by a flexible wind-proofing material or self-closing door, that contains a platform for the dog at least 4 inches off the ground, and that

contains dry bedding, which shall consist of an insulating material that does not retain moisture, such as straw, and is of a sufficient depth for the dog to burrow; and

“(ii) When the temperature is at or above 80 degrees Fahrenheit, the dog has access to a shelter shaded by trees, a roof, a tarp, or a tarp-like device.

“(5)(A) “Adequate space” means sufficient space to allow each animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal, while allowing the animal to interact safely with other animals.

“(B) Where freedom of movement would endanger or harm the animal, temporarily and appropriately restricting movement of the animal according to veterinary standards for the species is considered the provision of adequate space.

“(6) “Adequate water” means the provision of and access to clean, fresh, potable water, provided in a suitable manner for proper hydration for the age, species, condition, size, and type of each animal.

“(7) “Animal Care and Control Agency” means the District of Columbia humane organization the Mayor contracts with to manage animal care and control.

“(8) “Animal shelter” means a privately- or government-owned facility established for the impoundment of stray, diseased, dangerous, sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or otherwise displaced animals, with the intent to care for, quarantine, return to an owner, place for adoption, or euthanize the animals.

“(9)(A) “At large” means any animal found off the premises of its owner or custodian and not leashed, tethered, or otherwise under adequate means of control of a person capable of physically restraining it.

“(B) The term “at large” shall not include a dog in a dog park pursuant to section 11b.

“(C) The term “at large” shall not include cats.

“(10) “Custodian” means a person who has assumed responsibility for the care and well-being of an animal in place of the animal’s owner with the owner’s knowledge and permission.

“(11) “Dangerous animal” means an animal that because of specific training or demonstrated behavior threatens the health or safety of the public. The term “dangerous animal” shall not include a dangerous dog as defined in section 2(1) of the Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. Law 7-176; D.C. Official Code § 8-1901(1)).

“(12) “Dog park” means an off-leash dog exercise area officially established pursuant to section 11b.

“(13) “Extreme weather” means temperatures below 32 degrees Fahrenheit or above 90 degrees Fahrenheit.

“(14) “Leash” means a line held by a person on one end that is for leading or restraining an animal.

“(15) “Mayor” means the Mayor of the District of Columbia or his or her designee.

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“(16) “Owner” means a person in the District of Columbia who purchases or keeps an animal in temporary or permanent custody, except as provided in section 5.

“(17) “Tether” means a line connected to a stationary object by which an animal is fastened so as to restrict its range of movement.

“(18) “Vaccinated” means protected by a documented inoculation that the Mayor, consistent with the practices of veterinary medicine, determines is currently effective.”.

(b) Section 3 (D.C. Official Code § 8-1802) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “; provided, that only a sworn member of the Metropolitan Police Department may serve a notice of violation with respect to section 9(a) outside the premises of the animal shelter”.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) Pursuant to this act, issue fines and citations for violations and deliver all fees collected to the Mayor.”.

(B) Paragraph (4) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (5) and (6) are added to read as follows:

“(5) Respond to all animal calls and emergencies in the District; and

“(6) Perform any other duties the Mayor designates that are consistent with the provisions of this act.”.

(c) Section 4(b) (D.C. Official Code § 8-1803(b)) is amended to read as follows:

“(b) The Mayor shall provide a free rabies vaccination clinic at least annually.”.

(d) Section 5 (D.C. Official Code § 8-1804) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “his dog wears a collar” and inserting the phrase “his or her dog wears a collar or harness” in its place.

(2) Subsection (e-1) is amended to read as follows:

“(e-1) \$2 of each fee collected pursuant to subsection (e) of this section shall be deposited into the Animal Education and Outreach Fund, established by section 11a. Remaining money from the fees collected shall be deposited in the General Fund of the District of Columbia.”.

(3) Subsection (h) is amended to read as follows:

“(h) Any license issued pursuant to this section shall be issued by the Department of Health. The Department of Health may delegate this function to any veterinarians licensed in the District of Columbia.”.

(4) Subsection (j) is repealed.

(e) Section 10 (D.C. Official Code § 8-1809) is redesignated as section 5a.

(f) The newly designated section 5a is amended as follows:

(1) Strike the word “mammals” wherever it appears and insert the word “animals” in its place.

(2) Subsection (a) is amended by striking the phrase “permit: EXCEPT,” and inserting the phrase “permit; provided,” in its place.

(3) Subsection (f) is amended to read as follows:

“(f) A holder of an animal hobby permit shall provide his or her animals with adequate care, adequate feed, adequate shelter, adequate space, adequate water, and appropriate veterinary care.”.

(4) Subsection (g) is amended by striking the word “mammal” and inserting the word “animal” in its place.

(g) Section 6 (D.C. Official Code § 8-1805) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “section 10.” and inserting the phrase “section 5a.” in its place.

(2) Subsection (g) is amended to read as follows:

“(g)(1) The Mayor shall not release an animal unless it has received a rabies vaccination in accordance with the Centers for Disease Control and Prevention’s rabies vaccination schedule.

“(2) Paragraph (1) of this subsection shall not apply to puppies or kittens under 4 months of age.”.

(h) Section 7 (D.C. Official Code § 8-1806) is amended by striking the phrase “Redemption by” in the heading and inserting the phrase “Release to” in its place.

(i) Section 9 (D.C. Official Code § 8-1808) is amended to read as follows:

“Sec. 9. Prohibited Conduct.

“(a)(1) An owner or custodian shall not allow his or her animal to go at large.

“(2) If a dog injures a person while at large, lack of knowledge of the dog’s vicious propensity standing alone shall not absolve the owner from a finding of negligence.

“(b) A person shall not knowingly and falsely deny ownership or custodianship of an animal.

“(c)(1) An owner or custodian shall not leave his or her animal outdoors without human accompaniment or adequate shelter for more than 15 minutes during periods of extreme weather, unless the age, condition, and type of each animal allows the animal to withstand extreme weather.

“(2) Paragraph (1) of this subsection shall not apply to cats.

“(d) A person shall not remove the license of a dog without the permission of its owner.

“(e) A dog shall not be permitted on any school ground or on any public recreation area, other than a dog park, unless the dog is on a leash, tether, or otherwise under adequate means of control of a person capable of physically restraining it.

“(f)(1) A person shall not separate a puppy or a kitten from its mother until the puppy or kitten is at least 6 weeks of age.

“(2) Paragraph (1) of this subsection shall not apply in cases where a mother poses a danger to its offspring.

“(g) A person shall not give, sell, or offer for sale a puppy or kitten under 6 weeks of age, unless the puppy’s or kitten’s mother is given or sold to the same person as the puppy or kitten.

“(h)(1) A person shall not change the natural color of a baby chicken, duckling, other fowl, or rabbit.

“(2) A person shall not sell or offer for sale a baby chicken, duckling, other fowl, or rabbit that has had its natural color changed.

“(i) A person shall not sell or offer for sale a rabbit under the age of 16 weeks or a chick or duck under the age of 8 weeks except for agricultural or scientific purposes.

“(j)(1) Except as provided in this subsection, a person shall not import into the District, possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a household pet, any living member of the animal kingdom, including those born or raised in captivity, except the following:

“(A) Domestic dogs, excluding hybrids with wolves, coyotes, or jackals;

“(B) Domestic cats, excluding hybrids with ocelots or margays;

“(C) Domesticated rodents and rabbits;

“(D) Captive-bred species of common cage birds;

“(E) Non-venomous snakes, fish, and turtles, traditionally kept in the home for pleasure rather than for commercial purposes;

“(F) Ferrets; and

“(G) Racing pigeons, when kept in compliance with permit requirements.

“(2) A person may offer any of the species enumerated in paragraph (1) of this subsection to a public zoo, park, or museum for exhibition purposes.

“(3) This section shall not apply to federally licensed animal exhibitors; provided, that the Mayor shall retain the authority to restrict the movement of any prohibited animal into the District and the conditions under which those movements are made.

“(4) The Mayor may allow a licensed wildlife rehabilitator, licensed veterinarian, or licensed animal shelter to maintain an animal prohibited in this subsection for treatment or pending appropriate disposition.

“(k)(1) A person shall not sponsor, promote, train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator, any activity or event in which any animal engages in unnatural behavior, is wrestled or fought, mentally or physically harassed, or displayed in such a way that the animal is struck, abused, or mentally or physically stressed or traumatized, or is induced, goaded, or encouraged to perform or react through the use of chemical, mechanical, electrical, or manual devices, in a manner that will cause, or is likely to cause, physical or other injury or suffering.

“(2) The prohibitions set forth in paragraph (1) of this subsection shall apply to any event or activity at a public or private facility or property, and are applicable regardless of the purpose of the event or activity and whether a fee is charged to spectators of the event or activity.

“(l)(1) An owner or custodian of a dog shall not direct, encourage, cause, allow, aid, or assist that dog to threaten, charge, bite, or attack a person or other animal, except that an owner or custodian may keep a properly trained dog on private property to defend the property and its occupants from intruders, and may order a dog to defend a person under attack.

“(2) Paragraph (1) of this subsection shall not apply to dogs that work for the Metropolitan Police Department or any other law enforcement agency.

“(m) A person shall not display, exhibit, or otherwise move animals in the District as part of a circus, carnival, or other special performance or event, without first obtaining a permit,

issued by the Mayor, that governs the care and management of the animals.

“(n) An owner or custodian shall not neglect to provide his or her animal with adequate care, adequate feed, adequate shelter, adequate space, and adequate water.

“(o) A person shall not take actions that intentionally harm, or that the person should know are likely to cause harm to, an animal.

“(p)(1) An owner or custodian shall not abandon an animal in his or her possession.

“(2) An owner who transfers ownership of an animal or releases the animal to the Animal Care and Control Agency shall not be liable for abandonment.”.

(j) Section 9a (D.C. Official Code § 8-1808.01) is redesignated as section 11b.

(k) A new section 9b is added to read as follows:

“Sec. 9b. Animals Left in Vehicles.

“(a) An owner or custodian shall not leave an animal alone in a vehicle in such a way as to endanger the animal’s health or safety.

“(b) After making a reasonable attempt to contact the owner or custodian, an animal control officer, firefighter, or law enforcement officer may use reasonable force to remove the animal from the vehicle whenever it appears that the animal’s health is endangered; provided, that no attempt to contact the owner or custodian is required if the animal is in immediate danger or appears in distress.

“(c) Following an animal’s removal from a vehicle by an animal control officer, firefighter, or law enforcement officer, the animal shall be impounded and medical care shall be provided if needed. A written notice shall be left attached to the vehicle identifying the responding animal control officer, firefighter, or law enforcement officer, and providing a phone number, time, date, and the location where the animal is being held.

“(d)(1) Any person found in violation of subsection (a) of this section shall be responsible for all expenses incurred by the District in the care, medical treatment, and impound cost of the animal.

“(2) The District shall not be responsible for the:

“(A) Injury or death to an animal due to enforcement of subsections (b) and (c) of this section; or

“(B) Cost of any damage to a vehicle due to enforcement of subsections (b) and (c) of this section.”.

(l) Section 11 (D.C. Official Code § 8-1810) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Low cost” and inserting the phrase “Low-cost” in its place.

(2) Paragraph (2) is amended to read as follows:

“(2) An educational program for animal owners regarding pet care and safety, specifically in extreme weather conditions or emergencies, and the laws related to pet ownership.”.

(m) A new section 11a is added to read as follows:

“Sec. 11a. Animal Education and Outreach Fund.

“(a) There is established as a special fund the Animal Education and Outreach Fund

("Fund"), which shall be utilized in accordance with subsection (c) of this section.

"(b) Revenue deposited into the Fund shall come from \$2 of each fee paid for the application, issuance, or renewal of a dog license pursuant to section 5(e-1).

"(c) Money in the Fund shall be used for the following purposes:

"(1) Pursuant to section 11, providing for low-cost spay and neuter clinic services, and implementing an educational program for animal owners regarding pet care and safety, specifically in extreme weather conditions or emergencies, and the laws related to pet ownership; and

"(2) Appropriate overhead and administrative expenses related to the Fund.

"(d) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time."

(n) Section 12 (D.C. Official Code § 8-1811) is amended to read as follows:

"Sec. 12. Penalty.

"(a) The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to set specific fine amounts for violations of each provision of this act; provided, that the fines shall not exceed the following amounts:

"(1) \$500 for each offense, except as otherwise provided in paragraph (2) of this subsection.

"(2) \$1000 for each offense for violations of section 9(n), (o) or (p)(1).

"(b) Fines issued under this section shall not preclude any other criminal or civil penalty or enforcement action provided by District law."

(o) Section 12a (D.C. Official Code § 8-1812) is repealed.

(p) A new section 13a is added to read as follows:

"Sec. 13a. Rules.

"The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act."

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 24, 2017



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. B22-64

[] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FIRST READING, 07/11/2017

[X] VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Todd	X			
Allen	X				Grosso	X				White, R.	X			
Bonds	X				McDuffie	X				White, T.	X			
Cheh	X				Nadeau	X								
Evans	X				Silverman	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

Secretary to the Council

CERTIFICATION RECORD

10.16.17
Date

[] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FINAL READING, 10/03/2017

[X] VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Todd	X			
Allen	X				Grosso	X				White, R.				X
Bonds	X				McDuffie	X				White, T.	X			
Cheh	X				Nadeau	X								
Evans	X				Silverman	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

Secretary to the Council

CERTIFICATION RECORD

10.16.17
Date

[] ITEM ON CONSENT CALENDAR

[] ACTION & DATE

[] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Gray					Todd				
Allen					Grosso					White, R.				
Bonds					McDuffie					White, T.				
Cheh					Nadeau									
Evans					Silverman									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

Secretary to the Council

CERTIFICATION RECORD

Date